



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

September 18, 2020

Hon. Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

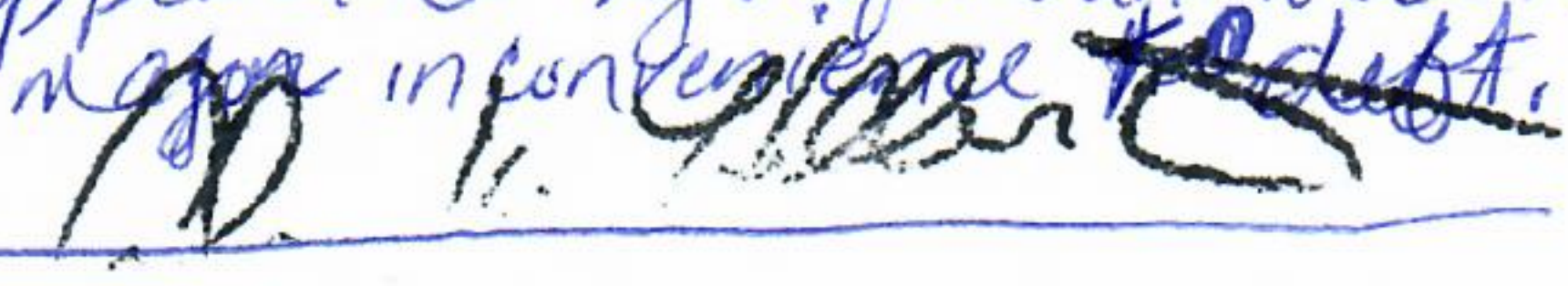
**Re: *United States v. Chealique Curry, 19 Cr. 742 (AKH)***

Dear Judge Hellerstein:

The parties have requested an adjournment of the conference in the above-captioned case until September 30, 2020, in order to allow the parties to discuss a resolution of the case without the need for trial and in the expectation that the defendant may plead guilty at the September 30, 2020 appearance. The Government writes to respectfully request that the appearance on September 30, 2020, occur in person or, in the alternative, that the Court grant a further 45-day adjournment.

Pursuant to the CARES Act, felony pleas may be held by video conference or teleconference when the district judge "in a particular case finds for specific reasons that the plea . . . in that case cannot be further delayed without serious harm to the interests of justice." See CARES Act § 15002(b), Pub. L. No. 116-135 (2020). It appears to the Government that the plea in this case does not meet that standard. Were the defendant to plead guilty to the single count of the Indictment, the Government currently calculates his Guidelines range as 51 to 63 months. In contrast, the defendant has been in custody for approximately 14 months. It therefore appears that the defendant would not be prejudiced by an additional 45-day adjournment, which may permit the plea to occur in open court. Nor does this case involve any victims who would be prejudiced by a delay in a plea and eventual sentencing.

The defendant objects to this request and seeks to conduct any plea proceeding on September 30, 2020 by videoconference. Defense counsel has informed the Government that in the defendant's view a basis for proceeding by video exists under the CARES Act because the defendant is likely to request a sentence of time served at any eventual sentencing.

The conference is adjourned until October 7, 2020 @ 11am.  
The government's request is denied. Def't's are entitled  
to early resolution of the case against them, including  
accommodating pleas of guilty and sentencing. There is  
no reason to believe that conditions will be any better  
30 or 45 days hence. A court appearance by defendant will result  
in quarantine and other major inconvenience to def't.  
9/28/2020 X 



Respectfully submitted,

by: /s/  
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